IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8203 OF 2005

Ganesh Babaji Kamble ...Applicant
Vs.
State of Maharashtra ...Respondent

Shri Mohan Pungliya for the Applicant.
Shri K.V. Saste, A.P.P. for the Respondent.

CORAM : S.C. DHARMADHIKARI, J.
DATE : DECEMBER 21, 2005.

P.C.:

1. Heard Shri.Pungliya appearing for the Applicant and Shri Saste appearing for the State. The Applicant is in custody in connection with C.R.No.261 of 2005 for offences punishable under section 363, 376 Indian Penal Code.

2. The F.I.R. was lodged by one Jagan Maruti Kamble on 18th September, 2005 complaining that his daughter Ujwala aged 16 years was taken away by the Applicant from the college gate. During the course of investigation, statement of Ujwala has been recorded and a copy thereof is annexed to this Application at page 14. Supplementary statement was recorded on 28th September, 2005. Copy of the medical report as well as the bonafide certificate from the school are also annexed.

3. From perusal of these materials, prima facie, offences under neither provisions have been made out. The alleged victim has stated that she accompanied the Applicant on her own from college gate. She went around Pune city and also stayed with the aunt of the Applicant. There is no allegation that the Applicant and the victim had any physical relations on the relevant date. That apart, in the supplementary statement she says that the Applicant committed intercourse. However, said statement does not state that the same was by force or under any threat. Even the medical report shows that an attempt was made by the Applicant to have intercourse. The hymen is intact. That apart, from the materials that are produced it does not appear to be a case where the Applicant induced the girl or kidnapped her with the intention of committing rape or otherwise indulging in these acts under the pretext of marrying her. The Applicant, therefore, deserves to be enlarged on bail, moresoever, when there are no antecedents.

4. Following order shall met the ends of justice:

: O R D E R :

i) The Applicant shall be enlarged on bail in

connection with **C.R.No.261 of 2005 of Haveli Police Station, District Pune,** subject to furnishing a personal bond of **Rs.10,000/-** with one surety in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not enter village Ambi Phata, Taluka Haveli, District Pune.

iii) The Bail is granted subject to condition that the Applicant shall report at Haveli Police Station, District Pune once in a week.

iv) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of

opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) The parties to act upon an authenticated copy of this order.

JUDGE